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DATE MAILED: 08/09/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/658,251	09/09/2003	Geronimo E. Lat	14305	4121
TISA M. SOLTIS			EXAMINER	
			SHARP, JEFFREY ANDREW	
ILLINOIS TOOL WORKS INC. 3600 WEST LAKE AVENUE		ART UNIT	PAPER NUMBER	
GLENVIEW, I	IL 60025		3677	·

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
• .	10/658,251	LAT ET AL.
Office Action Summary	Examiner	Art Unit
	Jeffrey Sharp	3677
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the	correspondence address
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period of the period for reply within the set or extended period for reply will, by statute any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be to y within the statutory minimum of thirty (30) da will apply and will expire SIX (6) MONTHS from a, cause the application to become ABANDONI	mely filed ys will be considered timely. the mailing date of this communication. ED (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on 23 Ju	ulv 2004	
	s action is non-final.	
3) Since this application is in condition for alloward closed in accordance with the practice under E	nce except for formal matters, pr	
Disposition of Claims		
4) Claim(s) 1-13 is/are pending in the application. 4a) Of the above claim(s) is/are withdray 5) Claim(s) is/are allowed. 6) Claim(s) 1-13 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/o	wn from consideration.	
Application Papers		
9) The specification is objected to by the Examine 10) The drawing(s) filed on <u>09 September 2003</u> is/a Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Examine	are: a) accepted or b) object drawing(s) be held in abeyance. Se tion is required if the drawing(s) is ob	e 37 CFR 1.85(a). Djected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
 12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list 	s have been received. s have been received in Applicat rity documents have been receive u (PCT Rule 17.2(a)).	ion No ed in this National Stage
Attachment(s)		
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F 6) Other:	•

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1

DETAILED ACTION

Status of Claims

Claims 1-13 are pending.

Specification

2 The disclosure is objected to because of the following informalities:

When referring to element "10", the applicant uses the term "fastener" and "clip" interchangeably. The applicant is urged to use the same terminology when referring to the same element.

Paragraph 0023 has typographical spacing error "clip10".

Angle "α" is erroneously written "a", particularly in paragraph 0019.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-3, 5-7, and 10-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Crooks US-2,314,481.

Crooks discloses a fastener (15) comprising: a bridge portion (28); a first prong (27) extending in a driving direction from said bridge portion; and a second prong (29) spaced from said first prong and extending generally parallel thereto in the driving direction from said bridge portion; wherein said second prong is substantially shorter than said first prong (See Figure 1 Crooks US-2,314,481).

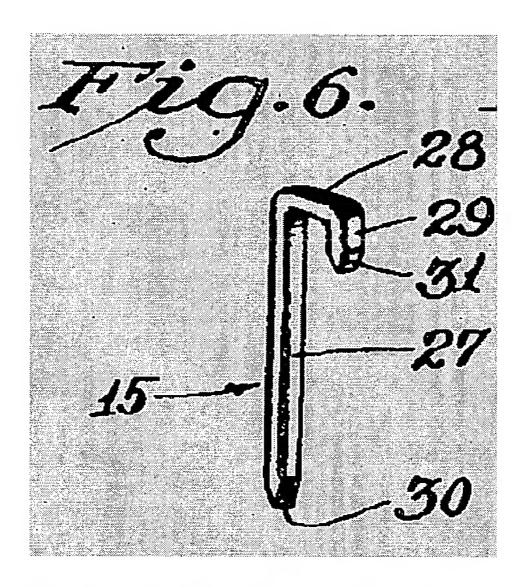


Figure 1. Crooks US-2,314,481 – fastener

Crooks also discloses a strip of fasteners comprising: a plurality of fasteners connected together in a side-by-side array, wherein each fastener includes a bridge portion, a first prong extending in a driving direction from said bridge portion, and a second prong spaced from said first prong and extending generally parallel thereto in the

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driving direction from said bridge portion, wherein said second prong is substantially shorter than said first prong; wherein each one of said first prongs is aligned generally in a first plane and each one of said second prongs is aligned generally in a second plane so as to form said strip of fasteners (See Figure 2 Crooks US-2,314,481).

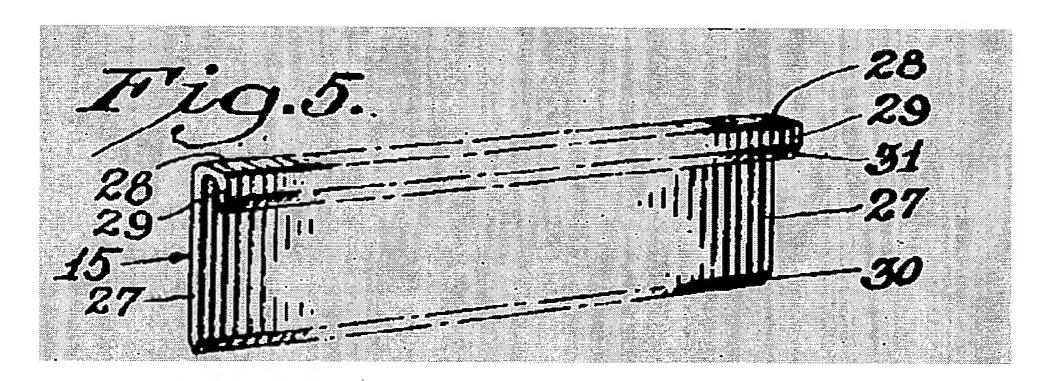


Figure 2. Crooks US-2,314,481 – strip of fasteners

As for claim 1, the body of the claim does not make reference to any "object" or "predetermined distance" or "substrate" (stated in the preamble's statement of intended use). Therefore, claim 1 is not limited by these elements.

As for claim 2, see Figure 1 above.

As for claim 3, see Crooks-US-2,314,481 Pg 2 Col 2 Lines 16-17, "...with leg 29 of no greater, and preferably shorter length...".

As for claim 5, see Figure 1 above.

As for claim 6, see Figure 1 above.

As for claim 7, see Crooks-US-2,314,481 Pg 2 Col 2 Lines 23-24, "A preferred material for making the nail comprises a flattened steel wire".

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As for claim 10, see Figure 2 above.

As for claim 11, see Crooks-US-2,314,481 Pg 1 Col 2 Lines 53-55 shown below in Figure 3, as well as Figure 2 above.

Fig. 5 is a perspective view of a series of the finishing nails adhered together in "stick" form for use in the driving machine;

Figure 3. Crooks US-2,314,481 – use of adhesive

As for claim 12, see Figure 2 above.

As for claim 13 see Figure 2 above.

Claim Rejections - 35 USC § 103

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crooks US-2,314,481 as described above, in view of the old and well known variations and standards for construction staples and the like.

Crooks teaches a fastener and plurality of fasteners as discussed in section 3 above. Crooks does not teach a fastener having: 1) a bridge having a length of ½ inch,

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first prong having a length of 1 $\frac{1}{4}$ inches, and second prong having a length of $\frac{7}{16}$ inch 2) a thickness of about 0.05 inches and width of about $\frac{1}{16}$ inch 3) material of shaped 1018 carbon steel wire.

The old and well-known standards and conventions for construction staples and the like teaches a medium crown staple having 1 $\frac{1}{4}$ inch prongs, $\frac{1}{2}$ inch bridge, and 16 gauge steel material (cross-sectional thickness of about 0.05 inches and cross-sectional width about $\frac{1}{16}$ inch). See enclosed references.

It would be obvious at the time of invention to one with ordinary skill in the art, to modify the dimensions and material of the fastener taught by Crooks, so that it conforms or adapts to conventional staple guns, standards, and the like.

As for claim 9, 1018 carbon steel provides no significant improvement over other conventional carbon steels used for staples, and serves the same purpose of allowing the fastener to penetrate hard substrates. The applicant has not addressed how a fastener made from 1018 carbon steel provides a significant improvement over conventional methods of manufacture. Further, the fastener taught by Crooks would have been expected by those of ordinary skill in the art to perform equally well with 1018 carbon steel, because it is stiff enough to penetrate hard substrates. Therefore, it would have been an obvious matter of design choice to modify Crooks to obtain the invention as specified in claim 9.

Conclusion

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

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US-1,087,264 Sheppard shows a fastener suspending an object over substrate.

US-1,957,467 Menninger shows a fastener suspending an object over substrate.

US-1,610,082 Francis shows a similar fastener suspending an object over substrate.

US-3,339,448 McKee shows a similar fastener suspending an object over substrate.

US-2,589,491 Goodstein shows similar fasteners, and strips of fasteners.

US-312,460 Haight shows a similar fastener.

US-4,257,200 Hensley et al. show a similar fastener.

US-2,533,062 Spink shows a similar fastener.

US-717,554 Doan shows a similar fastener.

US-324,126 Le Gay shows a similar fastener.

US-401,343 Gildemeyer shows a similar fastener.

US-2,887,004 Stewart shows a similar fastener.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Sharp whose telephone number is (703) 305-2693. The examiner can normally be reached on 7:30 am - 5:00 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Center (EBC) at 866-217-9197 (toll-free).

JJ Swann Supervisory Patent Examiner Technology Center 3600